

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>January 3, 2007</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2006-239-C</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		<u></u>

**SUBJECT:**

DOCKET NO. 2006-239-C - Dennis Corporation, Complainant/Petitioner v. BellSouth Telecommunication, Incorporated and Birch Telecom of the South, Incorporated, Defendant/Respondent – Discuss this matter with the Commission.

**COMMISSION ACTION:**

The Commission is in receipt of a January 2, 2007, "Withdrawal of Complaint Against BellSouth Telecommunications, Inc. and Birch Telecom of the South, Inc." filed by Dennis Corporation, which gives notice of the voluntary withdrawal of its Complaint with prejudice. Although the one-sentence text of the notice only expressly mentions BellSouth, based on the title of the notice and the fact that Birch Telecom is currently in bankruptcy, the Commission is interpreting this filing to be a notice of complete dismissal of Dennis Corporation's complaint against all parties. However, due to the uncertainty of meaning created by the absence of Birch Telecom's name in the text of the notice, I move that we hold this docket open for a 10 day period from the date of the order resulting from this directive, in order to give Dennis Corporation an opportunity to clarify its intent if indeed it did not intend to dismiss Birch Telecom by the filing of its Notice of Withdrawal dated January 2nd, 2007. If nothing further is heard from Dennis Corporation by the end of that ten-day period, I move that the Docket be closed due to dismissal of all parties by the Complainant.

PRESIDING	<u>Hamilton</u>				Session:	Regular
	MOTION	YES	NO	OTHER	Time of Session	<u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	APPROVED	<u></u>
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	APPROVED STC 30 DAYS	<u></u>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<u></u>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED	<u></u>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<u></u>
MOSELEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<u></u>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<u></u>
					CANCELED	<u></u>
					SET FOR HEARING	<u></u>
					ADVISED	<u></u>
					CARRIED OVER	<u></u>
					RECORDED BY	<u>J. Schmieding</u>

Commissioner Fleming was on Sick Leave

Commissioner Clyburn was on Annual Leave